

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

KASEY WHITE

PLAINTIFF

v.

CAUSE NO: 1:24-CV-09-SA-DAS

GARY ALLISON; RYDER TRUCK  
RENTAL, INC.; and JOHN DOES 1-10

DEFENDANTS

ORDER

On December 18, 2023, Kasey White initiated this civil action by filing her Complaint [2] against Gary Allison, Ryder Truck Rental, Inc., and John Does 1-10 (collectively “the Defendants”) in the Circuit Court of Alcorn County, Mississippi. On January 16, 2024, the Defendants filed a Notice of Removal [1], premising federal jurisdiction on the basis of diversity. On February 15, 2024, White filed a Motion to Remand [9], arguing that the amount in controversy does not exceed \$75,000. The Court is prepared to rule.

*Analysis and Discussion*

As noted above, White seeks to remand this case on the basis that this Court does not have subject matter jurisdiction because the amount in controversy does not exceed \$75,000.

After a case is removed, a plaintiff may move for remand, and “[i]f it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c).

“Two requirements must be satisfied for diversity jurisdiction to exist: (1) complete diversity between the parties and (2) an amount in controversy in excess of \$75,000.” *M.B.S. Tupelo, LLC v. Tri-State Ins. Co. of Minn.*, 2020 WL 6146847, at \*2 (N.D. Miss. Oct. 20, 2020) (additional citation omitted).

In support of her Motion [9], White provides sworn testimony via affidavit. In her affidavit she testifies that “I [] hereby stipulate that I will limit my damages to an amount below the jurisdictional minimum of any federal court and/or to an amount at or below \$75,000.” [9], Ex. 1. p. 1. In their Response [12], the Defendants do not oppose White’s Motion [9].

This Court has previously held that “if the amount in controversy is ambiguous at the time of removal, however, the Court may consider a post-removal stipulation or affidavit, or other summary judgment-type evidence, to determine the amount in controversy.” *Blue Canoe, Inc. v. W. World Ins. Co.*, No., 2021 WL 706758, at \*2 (N.D. Miss. Feb. 23, 2021) (citing *Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880, 883 (5th Cir. 2000)). Therefore, in accordance with White’s affidavit limiting her damages below the jurisdictional threshold of this Court, this cause will be remanded.

#### *Conclusion*

For the reasons set forth above, White’s Motion to Remand [9] is GRANTED. The case is hereby REMANDED to the Circuit Court of Alcorn County, Mississippi. The Clerk of Court is directed to take all steps necessary to accomplish the remand. This CASE is CLOSED.

SO ORDERED, this the 20th day of March, 2024.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE